

DOCKET NO. 1407

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PHENYLPROPANOLAMINE (PPA) PRODUCTS LIABILITY LITIGATION

Susie Hardy v. Rexall Sundown, Inc., et al., W.D. Washington, C.A. No. 2:03-3521

(S.D. Mississippi, C.A. No. 5:03-178)

Pennie Redd v. Rexall Sundown, Inc., et al., W.D. Washington, C.A. No. 2:03-3524

(S.D. Mississippi, C.A. No. 5:03-178)

CONDITIONAL REMAND ORDER

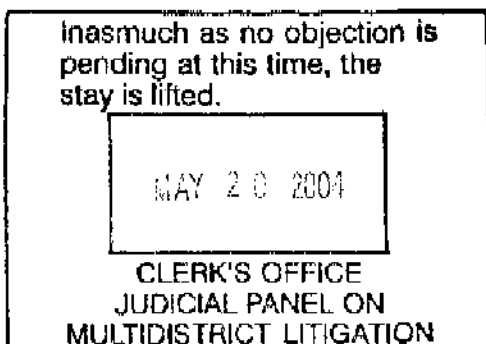
The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the above-captioned actions assigned to it have been completed and that remand of the actions to the transferor court, as provided in 28 U.S.C. §1407(a), is appropriate.

IT IS THEREFORE ORDERED that the above-captioned actions be remanded to the United States District Court for the Southern District of Mississippi.

IT IS ALSO ORDERED that pursuant to Rule 7.6 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 436-38 (2001), the transmittal of this order to the transferee clerk for filing shall be stayed fifteen days from the date of this order and if any party files a Notice of Opposition with the Clerk of the Panel within this fifteen-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Western District of Washington.

IT IS FURTHER ORDERED that, pursuant to Rule 7.6(g), R.P.J.P.M.L., and coinciding with the effective date of this order, the parties shall furnish the Clerk for the Western District of Washington with a stipulation or designation of the contents of the record to be remanded and furnish said Clerk all necessary copies of any pleadings or other matter filed so as to enable said Clerk to comply with the order of remand.

FOR THE PANEL:



Michael J. Beck
Michael J. Beck
Clerk of the Panel

UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge Bruce M. Selya
United States Court of Appeals
First Circuit

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vrtil
United States District Court
District of Kansas

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
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<http://www.jpml.uscourts.gov>

May 20, 2004

Bruce Rifkin, Clerk
215 William Kenzo Nakamura
U.S Courthouse
1010 Fifth Avenue
Seattle, WA 98104-1130

Re: MDL-1407 -- In re Phenylpropanolamine (PPA) Products Liability Litigation

Susan Hardy v. Rexall Sundown, Inc., et al., W.D. Washington, C.A. No. 2:03-3521
(S.D. Mississippi, C.A. No. 5:03-178)

Pennie Redd v. Rexall Sundown, Inc., et al., W.D. Washington, C.A. No. 2:03-3524
(S.D. Mississippi, C.A. No. 5:03-178)

Dear Mr. Rifkin:

I am enclosing a certified copy and additional copies of a conditional remand order filed on May 4, 2004. The order was entered pursuant to 28 U.S.C. § 1407(a) which provides that "[E]ach action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred...."

Please note that transmittal of the order was stayed fifteen (15) days to give any party opposing remand an opportunity to file such opposition. The fifteen-day period has now elapsed, no opposition has been received, and the order is being sent to you for filing.

Pursuant to Rule 7.6(g) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 438 (2001), parties are to furnish you with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to enable you to comply with the remand order.

Very truly,

Michael J. Beck
Clerk of the Panel

By 

Deputy Clerk

Enclosures

cc: Transferee Judge: Judge Barbara Jacobs Rothstein
Transferor Clerk: J.T. Noblin

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY - 4 2004

FILED
CLERK'S OFFICE

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FOR THE PANEL:

Michael J. Beck
Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 20 2004

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION